

**TOWN OF WEST HARTFORD PUBLIC HEARING
MARCH 22, 2016**

ORDINANCE PERMITTING INCREASED DENSITY IN THE CENTRAL BUSINESS ZONE:

President Slifka: Okay, we're going to call the 7:15 Public Hearing to order. This is on Ordinance Permitting Increased Density in the Central Business Zone. Can we start with a roll call, please, Ms. Labrot?

Councilors Barnes, Cantor, Casperson, Davidoff, Hall, Kerrigan, Slifka, Wenograd and Williams were present.

President Slifka: Thank you, Ms. Labrot. We have a presentation from the administration. Mr. Dumais, welcome.

Mr. Dumais: Thank you, Mr. Mayor. For the record, Todd Dumais, Town Planner. I'm here tonight to present a presentation regarding a proposed alteration to Section 177-16.6, which is currently the alteration of Standards in the CBDH Zone and we're proposing to add the BC Zone. Before I get into the details to describe the particulars of the text amendment, I wanted to give the full Council and members of the public a little of background about why we're looking a proposed change to our BC Zone. We've been working and studying the BC Zone for several months now and have gone and worked with the CPPS Committee to discuss what we've seen, an increasing amount of interest in development in the Center. But the Center is currently constrained because of things that we'll talk about later in my presentation but primarily the age in which it was developed and the existing FAR and to some extent other limitations, primarily parking. So what is the Central Business District? If everyone can read that? It might be a little blurry but the Central Business District is defined in our Zoning Regulations as really the most intensively used, one of our two most intensively used zoning areas. Important to read and note on that is the last two paragraphs. The use of land is intensive and this intensity is one of the main determinants of the vitality of the Central Business District. Pedestrian-oriented uses are encouraged on the street level to ensure the intensity of use for residences, professional office and other use compatible with the nature of retail in the Central Business District are permitted although recommended to occur on the upper floors of the buildings. So where is the BC Zone? The two maps I provided below, lemme start with the map on the left. The map on the left, I'll call that the Center. The gerrymander, the red blob to the left of that map is really our traditional Center, Farmington Avenue running east/west to LaSalle Road and then North and South Main Street. The two outlying rectangles in the red, sorry, all the areas in red are the BC Zone; the two outlying areas to the east on Farmington Avenue are both SDDs and also zoned BC. We also have another small pocket of BC Zone in Elmwood Center. So in all, there's about 20 properties zoned in Elmwood, BC, and about 67 in the Center, including an additional two further east on Farmington Avenue. A little bit later when we start talking about the proposed amendment, we're gonna be talking about a few concepts, sorry, a few concepts, and I thought it was important to discuss three planning and zoning concepts or terms. The first being floor area ratio, which is essentially the ratio of the gross area of buildings on a lot to the total area of the lot. The graphic to that top right there depicts this. So if we have a 0.5 FAR, that means you can

cover half the area of a lot with a building. And you can choose to divide that up into two stories, meaning you're covering 25 percent of the lot. If you have an FAR of one, you can cover the entire lot with a building if you had a one-story building, so on and so forth. That's what that graphic tries to represent.

Another concept we'll talk about that's critical in determining one of the aspects we look at with a proposed change to the BC is street enclosure ratio. And this is essentially a ratio of the building or tree height to the street and sidewalk width. Two examples I provided to kinda illustrate this are the image on the left is Memorial Road looking south. That has an enclosure created by the buildings at a ratio of about 1:1. Then the mid-block of LaSalle Road looking north has a ratio of about 1:2 if we use the trees and lower if we use the buildings. The sense of enclosure's important in an urban place because as a pedestrian or a user of the public right of way, you start to perceive that when you get at a ratio of 1:4, you notice that you're kind of being contained and you, there's varying degrees of comfort. You know, a suburban ratio's 1:4 or less. More urban is 1:1 or greater. Another concept we'll talk about is an upper story building setback. This is different from the traditional setback that we typically are talking about and that's just the building setback off a, an arbitrary point on the lot. What we're proposing and we've defined this in the Ordinance is basically the distance an upper story must be stepped back from the façade of the story directly below. And this gets back to that sense of enclosure that I just talked about. When we have a more urban area that permits increased height on buildings, if you step back the upper levels of the building, as a user of the public right of way, a pedestrian on the sidewalk, you don't notice that upper story because your line of sight and the building if properly stepped back disappears past your view shed so you don't feel like you're being beared down upon with too tall of a building.

So what do we do? We looked at the existing conditions currently within the BC Zone. As I mentioned before, there's approximately 67 properties directly in the Center, so excluding those two on Farmington Avenue East and not looking at Elmwood Center for purposes of this discussion. The median age of those property, structures built, 1939; the median floor area ratio is 0.855; median building height, two stories. What does this tell us? Well, it tells us that the Center was largely developed before the advent of our modern zoning. And of course we've had zoning since the 1920s in town but, really, our modern controls on zoning, including FAR, didn't appear until the mid-to-late 1960s. So what we've seen is a lot of buildings approximately 28.5 percent of them in the Center are currently nonconforming with respect to FAR. What it also means is a lot of those buildings were constructed without adequate supply for parking because at the time in which they were built, parking standards or even need or use of parking wasn't, wasn't a factor. Additionally, there's about another 39 percent of parcels, and I'll describe this later, that cannot add any additional stories or floor area because of the FAR limitation in the zone of 1.25.

So what does that look like? I've used this image before in presentations to the Council, but I think it's particularly effective. About 29 percent of the parcels are nonconforming with respect to FAR and this is a good example of one that has a higher FAR. This is at the corner of Farmington Avenue and South Main Street. This building is about 15,000 square feet on a 5,000, roughly 5,000 square foot lot, which gives it an FAR of around 2.8, which is more than the 1.25 in the district. Another example of an existing building in the Center that exceeds FAR

is the Arugula building. Again, a relatively small building, 5,000 square feet on an even smaller lot, which gives it a higher floor area ratio of around 2.

There's another category of parcels which I've kind of described as effectively built-out, meaning that they can't accommodate any more development on, on site either directly above or elsewhere on the site. So an example of this building would be the Plimpton's building in this image. It currently is around 1.25, maybe 1.29 if you include the basement so it's right at the permitted maximum FAR. If, in my scenario there, if you were to add a third story on that building, it would obviously exceed the FAR. It would jump to 1.73. And lastly, another example of a similar concept, the building that houses Farmington Bank and Max's Oyster. It's FAR is about 1.25. If we include the basement, it's a little bit higher at 1.4. It's a one-story building and even to add an additional story on that, it would grossly exceed the existing FAR allowance.

So what're we proposing? Well, we looked at the BC Zone and what we are not proposing is a broad change to the underlying or permitted standards within the BC Zone. The Amendment before you is an Amendment that permits the ability to apply for and seek approval under the proposed standards for a Special Development District application approval process. It does not propose any changes to the underlying as of right standards in the zone. Three key changes that are gonna be proposed and we'll talk about are an increase in FAR from 1.25 to 1.75, an increase in building height from three or four stories up to five, and an exemption of private parking garages from FAR. All of these changes could be requested only upon application to the Town Council for a Special Development District and further provided that the criteria set forth below are met. Before I go into, to these in detail, this model is currently in place and was developed or at least changed for Blue Back Square and it permitted Blue Back Square development to go forward. And that was done for an alteration of standard in the CBDH Zone. What I don't have on the chart here is the CBDH has a, the same underlying FAR of 1.25 as the BC. But under this current 177-16.6, by way of a Special Development District application, an applicant in that zone could ask for an increase in FAR to 4 and an increase in building height to six stories. What we're not suggesting is that's appropriate for the Center, the traditional Center. There's clearly different scales and issues, topography, but we're suggesting a moderate increase in FAR and building height on the Center. So the specific findings that the Ordinance includes: One, the Council must find that adequate parking exists to meet the needs of the proposed development; two, the Town Council must find that adequate street capacity exists on adjacent streets to accommodate the traffic projected to result from any increased intensity of use above the allowed as of right; three, the Town Council must find the appropriate bicycle and pedestrian amenities, such as but not limited to bicycle storage and/or parking, park benches, and pedestrian walkways are provided; three, within the BC Zone, the maximum floor area ratio may be increased from 1.25 to 1.75 if the above, floors above the ground floor are used for residential purposes; five, within the BC Zone, the maximum building height for buildings containing residential units on the upper floors may be increased from three stories to five stories provided that the ground level building façade is adjacent to the public street and corresponding fifth story façade is set back at least 15 feet from the façade of the story directly below. There's a provision for the Council to waive that setback requirement if situations where the building otherwise incorporate alternative design techniques as outlined there. And this goes back to that image I showed of that upper level building story setback. Lastly, within the BC Zone, the area for private parking garages

that provide dedicated spaces for the use of residential tenants or commercial tenants and their patrons and guests shall not be included in the calculation of FAR as they are today such as that garage is enclosed by landscaping, architectural screening, active commercial and/or residential tenant space excepting those portions which you need to get into and out of the garage from the street. So really, the language of the text amendment was contained within these last two pages and slides and it broadly adding the BC Zone into the alternate standards in 177-16, permitting those standards to go FAR increase, a building height increase, and an exemption on parking garage height provided that these criteria are met.

In looking at this amendment, we also have to look at our Plan of Conservation and Development and see what that says and directs us. On page 71 of the Plan of Conservation and Development, there's a good quote that I think applies and supports this proposed amendment. "Considering the limited availability of land and the desire to achieve sustainable community growth, future growth should be thought in terms of appropriate density, mixed land uses, and redevelopment within existing commercial districts." I would argue that this amendment is consistent with the Plan of Conservation of Development. In particular, both goals set forth in both the economic development section of the POCD and the land use. I don't necessarily hafta read them here but I think that there are any number of consistencies we can look for in the POCD that support this Ordinance. That concludes my presentation. I'd be willing to answer any questions that the Council may have.

President Slifka: Yes. I know there are questions, Mr. Dumais. I'd just start with one of my own. The, I know we, we use this, this phrase already in, in zoning, in zoning code but I hadn't really thought about it this much until, until I had it presented, you know, right here this way, which is the concept of "adequate" and I'll put that in quotes and that the, the parking and the street capacity parking must be adequate in the Council's determination to have this go forward. I imagine that if you're a neighbor or a business there, you know, you may have a different opinion that somebody advocating for this development. Do we have any guidance for, for the Council, you know, from prior record that would suggest what a good measuring stick for adequate is? What's appropriate? Since it seems like we have reached a, whether we intend to or not, we have, we have maybe through our, our prior discussions of this with respect to that, was the last hearing we had where you showed the property on the corner of LaSalle and South Main. I'm not forgetting what we did that night but I know we had a discussion about parking requirements that had a, come to a conclusion, a general consensus that whatever standards we had are outdated. We're asking for too much. So I'm looking for the, you know, some guidance between what was way too much that we put in in the 50s and is, is stunting development and encouraging more car use versus what would be adequate with what you have in mind today.

Mr. Dumais: Give me one moment while I find...okay, the term adequate, I'll address that. I don't know that I can address it to your satisfaction but I'll try. It, that term is currently used in 177-16 so we carry that over to describe some additional considerations. As it's applied with the Special Development District Plan that comes before the Council and as we've thought of this Ordinance, we're suggesting that any new development that tries to take advantage of this amendment actually construct its own new parking supply to today's standards. Our standards today are at 1.5 or someone could request a reduction. That's something that's waivable under the SDD. But they have to make the case for that, which would mean parking survey, parking

analysis, traffic analysis prepared by a professional engineer and reviewed by our engineering staff. So through that process and the determination by our own Town Engineer and other Staff, that would at least give the Council a little bit of information, whether to make, base a decision on whether or not there's adequate parking at least from a technical standpoint, whether or not that satisfies residents or businesses in the area that suggest, you know, everyone believes there are parking supply issues in the Center. That, that's kinda separate from this, this finding or statement.

President Slifka: So maybe just, and I, I, what I'm hoping to do is have just some sort of record that, you know, whenever this, if this passes and it comes before the Council in the future, we have some, some guideposts, so is it fair to say that the determination of adequate is it's fluid because it's based on the application that you receive and what's, what's proposed in it. It, it because you could have a different height proposed w that. You could have different uses proposed within it, which might dictate different numbers of cars coming or, you know, more or less for that proposal.

Mr. Dumais: Correct. You said it much more eloquently than I have.

President Slifka: I'm not sure, but thank you.

Mr. Dumais: Yes. Every application that potentially could come before the Council using this Ordinance, it could contain a variety of uses, all of which are parked at different standards and have different parking demands. So it's really on a site specific and it gives you that fluid basis on an application by application basis to react to what's before you and not provide a blanket standard that doesn't work for all situations.

President Slifka: Thank you, Mr. Dumais. Questions? I know Mrs. Hall had one.

Councilor Hall: Well, thank you. You definitely asked the first one that I had. The second one, Todd, on the previous slide you said that private parking garages are exempt from FAR requirements.

Mr. Dumais: Yes.

Councilor Hall: I was just wondering if you could explain that.

Mr. Dumais: Sure. If you remember, a couple of years ago, we exempted parking garages that were constructed below grade from FAR. Current, before then, they would've counted. So to build a supply of parking to offset, you know, the demand with any development, it was basically working against any proposed development 'cause the cost of building an underground garage really didn't make the numbers work. So by exempting that out from FAR then you could build the available floor area towards whatever your use is; office, commercial, or residential and still provide for a parking supply. So we thought that the same concept would work here. If there's a site that could accommodate a parking garage within the site built above-grade, partially above grade or a combination thereof, as long as it was screened behind an active use, so if it was integrated into the building and you couldn't tell the garage was there, if it was adequately screened by architecture or landscape, that that shouldn't count towards FAR. And there is some flexibility in the way that that Ordinance was written to allow the Council to make that determination of whether you think the garage is adequately screened. What we didn't wanna see was the example across the street, the Town Center Parking Garage. On the backside

of that building, there are real no architectural controls and it's kind of a large and...architecturally unattractive element of the building and, and we're not suggesting we want that but we are suggesting is you should try to build that parking that you need, screen it so no one, you know, recognizes that it's there.

Councilor Hall: Thank you. And just so that I understand, though, so you're saying if this change went into place, any applicant would still hafta come before the Council as part of an SDD to get each request approved? So if this passed, then someone couldn't just go through and, you know, build it without having gone through the TPZ and Town Council?

Mr. Dumais: Right. That's, that's the, that's correct and that's the benefit of using this kind of a model to bring this forward, that really this doesn't change any standard in the BC unless someone wants to take advantage of one of these slight increases, and they hafta do that by Special Development District, apply to the Council, be referred to our Design Review Advisory Committee, also to our Planning and Zoning Commission, so that process typically yields us a much better quality development.

Councilor Hall: Okay. And then just one last question. So you went through all of this work because you've got a vision? So besides the technical aspect of, of the actual Ordinance, could you just kinda give us a little insight on, on what you were thinking or why you thought this was...

Mr. Dumais: Sure. I, I think the vision...

Councilor Hall: ...a good idea.

Mr. Dumais: ...was already there in the Plan of Conservation and Development, which is very important and it really talks about the vitality and the vibrancy of the Center. And we know that, you know, to support our businesses in the Center, which are largely retail or restaurant, how can we support them? We can provide additional customers to them and adding particularly residential units in the Center does a number of things. It supports our businesses, it provides for smart growth in appropriate, appropriately located development where people can walk to shopping, work, transit without having to necessarily use the car. So really when we look at all of our neighborhoods in town, additional growth should probably be, you know, my vision, focused in certain areas and I think the Plan of Conservation and Development identifies those as our kind of commercial and historic centers.

Councilor Hall: Okay. I misspoke. I do have another question. Did, have you had the opportunity to bring this to the Chamber of Commerce and talk to the businesses in, in the district to get their input?

Mr. Dumais: I'm gonna look towards Mark McGovern. I know that he has brought this amendment and this concept forward on several occasions with West Hartford Center merchants and the Chamber and discussed it and gotten their feedback and it was a generally positive, you know, feedback on the proposed amendment.

Councilor Hall: Okay. Thank you.

President Slifka: Thank you, Mrs. Hall. Mr. Davidoff?

Councilor Davidoff: Thank you, Mr. Mayor. I would agree that the special development process works best with this type of Ordinance because it allows the Council to have the necessary controls when an application's come forward. I did have one question. So when the Council renders its decision, it has to make certain the applicant's hit all those different criteria. I think you have one through six there. Now, are any of those criteria able to be waived by the Council or they must...must be in the application?

Mr. Dumais: They would have to, with the exception of criteria number five, they would hafta be met unless a particular one wasn't being requested. For instance, if they weren't requesting, requesting an increase of FAR, obviously you wouldn't need to make that finding. If they were increasing a building height but they, they essentially would all hafta be met and the Council would hafta make that finding. Finding number five has a built-in ability for the Council to waive that finding. But the others we thought were, were important and also are consistent with the way that the Ordinance is currently structured. At least items number one through three.

Councilor Davidoff: All right. I think the, the Mayor asked a great question about what was the definition of adequate and you said it was currently in 177-16 so would we just infer whatever the meaning was in 177-16 would be applicable in this, in this new section as well?

Mr. Dumais: Yes, I think that was our intention. It's not—the term adequate parking isn't defined but it's used there and then I tried to explain how we'd come to a, a basis for making that determination of whether or not adequate parking exists, but I think in the same respect that you currently review all Special Development Districts under that specific finding of that adequate parking exists, you would just carry forward your existing work on reviewing Special Development Districts if someone came forward with this.

Councilor Davidoff: And then there was a little discussion about a new development would provide, could possibly provide its own parking structure and there was a, just a brief mention as to screening that would be considered appropriate. Is there any examples that one, one could look at would be an appropriate screen for, for a parking structure? I, I know in the development that Mr. Kaoud did, we don't even know there's a parking structure because it's, it's below ground that's gonna house 21 cars. But what, what kind of, what kind of standards would, would there be for screening a, a parking garage 'cause by its nature, one would anticipate that a parking garage looks like a parking garage.

Mr. Dumais: Yeah. There, there are ways you can, again, not to disparage the garage in the Town Center but that garage is clearly a garage. There aren't any architectural treatments. The garages that're throughout Blue Back Square have architectural elements. There's some interesting and articulating facades. Some of the openings are designed to look like windows rather than just garage openings so making the openings in the garage appear as if they're windows to either commercial or residential. The Isham Garage, it's frontage on Raymond Road is actually wrapped by active uses so you can envision a scenario where good chunks of the building are wrapped by active uses and you don't know the garage is there. Parts of it might be

visible. As long as they're architecturally screened to the satisfaction of the Council and they hafta go through the Design Review Advisory Committee and Town Council, and hopefully through that process we'd get a very attractive and, and a garage that no one would even know, know was there.

Councilor Davidoff: All right. So that's what number six talks about? Where you, where you talk about, all sides of the garage are to be...

Mr. Dumais: Yeah. If, if someone is going to construct a garage and wants it to be exempt from FAR, that's where we talked about that requirement.

Councilor Davidoff: Well, that makes sense. And I remember when I sat on Blue Back Square there was a lotta discussion about what the garages were going to look like because we didn't want it to look like the garage that was at the Lord and Taylor site in Bishop's Corner and, and I, I remember the reaction to the community when that one finally came down that we don't have that ugly garage anymore. So I would concur with what you said and I think it's important to get that into the record tonight as to what we're talking about. And that's about all I have. Thank you.

President Slifka: Mr. Davidoff. Mrs. Cantor?

Councilor Cantor: Thank you. I just was wondering if you could talk about how this will help preserve historic buildings and how you see this working with the importance and I, I think there, I heard at least one constituent that was concerned that this would hurt that idea.

Mr. Dumais: Yeah, I'm, I don't know that I can answer one way or the other. I'm hopeful that allowing a slight increase, not a dramatic increase but a slight increase in the permitted standards will encourage people to redevelop existing properties without knocking them down. Because we're not doubling the FAR or, or increasing it by more than that like was done with the CBDH, I'm hopeful that this isn't gonna encourage knock downs and develop, you know, redevelopment of a site but allow people to infill underutilized sites. There are, are some sites that're larger that have parking that maybe could be built on top of to kind of preserve or adaptively reuse an existing structure. But I, you know, I'm not gonna pretend to predict what a developer might think of this or try to take advantage of.

Councilor Cantor: It sounds like you, it allows flexibility for a, an expensive preservation project and allows some movement and some, yeah, just fluidity in, in how that design actually would work, I guess, right?

Mr. Dumais: Yeah. I, I think it provides flexibility for someone looking to take advantage of this Ordinance, to develop a site and preserve what's there if they choose to.

Councilor Cantor: Okay. And the setbacks, that also is somewhat fluid, it sounded like, that, I mean, it appeared in the, that if, if there was adequate space on the, it says, first one, waive the set, the Town Council could waive the setback requirement in situations where the building otherwise incorporates alternative architectural design features which adequately mitigates the

impact of building height and mass upon users for the public streets. Would there, so in a Main Street type of setting where you have a wide street, you, are, do you see that working in that kind of?

Mr. Dumais: That, that could be a mitigating reason that a waiver would be appropriate. Architecturally, there's a number of ways to mass or design a building other than just stepping it back. Someone might be able to, you know, very creatively come up with a lot of glass or a very visible or transparent material on the upper level, an orientation or a projection only of an element of that level could mitigate the size and impact of that fifth story. And it's hard to predict what something may look like, so what we've suggested is that, you know, as a starting point you need to be 15 feet back, but if someone comes up with a much more flexible or creative solution that still meets the intent of, of this Ordinance, which isn't to create that sense of enclosure on the, over enclosure on the street, that that could be a waivable standard.

Councilor Cantor: Thank you.

President Slifka: Thank you. Mr. Williams.

Councilor Williams: Thank you, Mr. Mayor. Mr. Dumais, thanks for your presentation. Just a couple of questions. You had an example where, on one of your slides where there was another level put on top of the Max's Oyster building and I, I just wanna dovetail off some of the questions on the parking. So say, say we had a development like that and I know we're speaking in hypotheticals but as I understand it, the, the parking behind it is, is municipally owned and operated. And so where, where does the Town envision parking in the Center going long-term if we were to adopt an Ordinance like this. There is market interest. And we were to have development as, as you envision. What, what would be sort of the long-term maybe partner of a public/private with the parking. What, what would we be looking at?

Mr. Dumais: That's a great question. I would hafta turn to our, our Town Manager perhaps and, and Mark McGovern. I think what we're hopeful that this flexibility and this amendment would allow for us, to people that could accommodate parking onsite would be able to build it, to kind of mitigate the need for, or demand on our current parking supply. This is probably an exam—you know, extreme example. You can see that the site has no parking so I don't know how this could ever achieve approval under that standard but it was just the concept of FAR so with respect to being able to take advantage of this Ordinance is probably not a good example. It was just more of an FAR so, yeah, if you can't accommodate the parking, we're probably only talking about a handful of parcels within the Center that're sufficiently sized. You need certain geometries to make garages work unless the Town considers building more parking garages. I mean, that, that's kind of what we're left with.

Councilor Williams: Okay. Fair enough. And, and as Mrs. Cantor mentioned, you know, there is gonna be obviously this concern about keeping the integrity of, of the Center consistent with what we have now. And you mentioned yourself earlier the difference between the Center and Blue Back and it's apparent to, to residents. So just if you could walk through it with me just in layperson's terms. Looking at what this, this Ordinance proposes and we have max height of the building is five in the BC and it would be six in, in what is Blue Back, correct?

Mr. Dumais: Correct.

Councilor Williams: And so, but the FAR is different. So can you just walk through me one more time...

Mr. Dumais: Yup.

Councilor Williams: ...just in layperson's terms what...

Mr. Dumais: Sure.

Councilor Williams: ...what it would physically look like, the difference between the two if someone were walking down the street?

Mr. Dumais: Sure. Blue Back, let me just, CBDH is currently at six and four. That's an existing standard.

Councilor Williams: Right.

Mr. Dumais: BC is one, two, five, and three or four. So it's one additional story. I don't know that I have a...here's an example, Plimpton. If someone were to come in to redevelop this building and add one more story on, so just Photoshop that top level and raise it up. If they could provide the parking, we'd be looking at a three story building there. That would be an example of someone utilizing the proposed FAR limit, maybe not achieving the height but the FAR. So it, it's probably unlikely that someone's gonna be able to come in and use everything all at once. It could happen on a larger sized parcel but on the smaller infill or redevelopment within the Center, I think we're looking at maybe an additional story if they can find a creative way to add parking or I don't have a good, a good map to show the Center. No. I don't have a, an ortho of the Center but, really, this isn't a useful map but any of the larger sized parcels and if we were to, and it's unfortunate that I can't highlight this but...need a laser pointer...

President Slifka: Just trying to make the question as difficult as possible to answer.

Mr. Dumais: All right. I'll try to wave the mouse over the areas...

Councilor Williams: Maybe I could ask it a different way.

Mr. Dumais: Sure.

Councilor Williams: Sorry. I didn't, I didn't mean to tie you up. I, maybe I could ask ya a different way. So we've had some inquiries from the public about, you know, the, the light that, that gets to a pedestrian on the street and how it's nice in the Center so when we're talking about this, this Ordinance and the Center and it passing, we're, we're not talking about big changes to that sort of pedestrian-friendly, outdoor experience.

Mr. Dumais: No, quite the contrary. We're looking to reinforce that through careful considerations and criteria that the Council has to find that you're providing for those amenities; benches, streetscape amenities, lighting, bike racks, other things that support the existing vibrancy and feeling of the Center. What we didn't wanna do was, was greatly increase, you know, the FAR or the height to make it out of scale with what the Center is because it is different than Blue Back. But we thought limited increases might be enough to, to encourage someone to bring something forward in the Center.

Councilor Williams: Thank you, Mr. Dumais.

President Slifka: Okay. Mrs. Kerrigan.

Councilor Kerrigan: Hi. First, I think it's wonderful that we want to attract residents into the, the center of town not just because it's nice to have people milling about that live there and really care about the Center but also from a tax standpoint. So I'm, I think this is wonderful to go up 'cause we can only go so far and we always love greenspace so I think going up is a good thing. That being said, I'm not a structural engineer. I don't even have any background so when you say there's a handful of parcels that might lend themselves to this, those ones that you have in mind, are those parcels where structurally we can go up without really changing, you know, what it looks like? 'Cause like Shari and, and Chris, there's a, there's a history to the town, a history that you probably know far more than I do, that it's important to preserve. So quite frankly, I hadn't even thought about the fact of someone coming in and buying property and ripping it down and, and building something. You know, but that certainly scares me. Do we have property that we can just go up?

Mr. Dumais: Yeah. I think, I think that we do. I, I'm working its way around in an inefficient manner through my handout.

Councilor Kerrigan: We need one more. Is there one more?

Mr. Dumais: This is that orthoimage. I wish I had it to project on the screen but I don't of the existing Center with parcel lines in yellow, existing orthophoto and then I highlighted in orange existing parking garages, so Memorial, Isham, Town Center. That little one is Garage under his building. But what I'd like ya to look at is all of the areas where there is surface parking on this map so any significantly sized areas of surface parking could theoretically fit a garage because they have kind of the geometry to make something work and that's kinda what I meant by, you know, it's likely that a handful of parcels would be able to take more, advantage of this Ordinance than all in the Center.

Councilor Kerrigan: Thank you. And I was remiss. Thank you, Mayor, for allowing me to speak. I always forget that thing. Thank the Mayor first. Okay.

President Slifka: Okay. Sorry. Go ahead, Mr. Barnes, and then Mrs. Hall.

Councilor Barnes: Thank you. You know, I think some of our town residents are gonna be concerned about the impact that this type of change is gonna have on the Center area and I think some people touched on it but I just wanna ask this specific question. I mean, the concern is that, you know, we live in a town, not a city, and people are going to be concerned that there's gonna be this city feel that we're gonna be in a, a canyon-like effect walking down the street, and while there may be benches, we may not have sunlight because the buildings are gonna be so high and it's gonna change the feel of the Center. So somebody that has a concern like that, how would you respond to that? What would you say to that person if they raised that issue with you?

Mr. Dumais: Sure. I, I think that's something we carefully considered in crafting the proposed increases that we have. We're talking about small changes to the BC and the Center, much less than how Blue Back has been developed. So if that person currently thought that Blue Back was a canyon or, or overbearing or too large, we're talking about something less than half of what that permits with the exception of the, the fifth story. But at the end of the day, we're talking about one story taller than can be constructed today. Webster Bank, four story building in the

Center. So we're talking about an additional story on that if residential and set back. We're very mindful that we don't wanna change that character of the Center.

Councilor Barnes: So other than the, the setback, you know, there was the, I believe it was page three or four of your presentation where you had the, the four story with the setback and then the five story. So the response is to kind of detract from that canyon-type effect. You have that 15-foot setback so from the streetscape, you're not gonna be able to see that fifth floor and also you'll be able to have the, the light come in down to the, to the street level.

Mr. Dumais: Exactly. Correct. That would be my response. And really, through the SDD process, the ability to get a much higher quality architecture out of an applicant is, is a tremendous advantage that I don't have when I'm reviewing a site plan. There are many site plan applications I wish I could force them to come to the Council to get a lot higher quality architecture. And architecture does a lot, a lot at mitigating the effects of size, mass, and scale. A lot can be done with a very attractive building just by design that, that helps keep the character and reduce the, the overall scale and mass of the building.

Councilor Williams: Okay. Thank you.

President Slifka: Thank you. Mrs. Hall.

Councilor Hall: Thank you. Again, I misspoke. I have more questions. When we have an applicant come before us on a zoning issue, one of the Town's requirements is that we notify any of the residents or businesses that are within a certain amount of feet from the proposed applicant. So I realize this is an Ordinance, but it's a Zoning Ordinance. Have we gone through the process of that same letter being sent out to anyone in the vicinity that this would affect?

Mr. Dumais: We have gone through the required statutory process, which is a legal notice in the newspaper. With a Zoning Ordinance, it's different than a site plan application or a map amendment where we're specifically landing on a specific parcel, in which case you can then generate an abutter's list. Here, it's a little bit different because we're talking about a broad amendment that applies to a zoning district. The example here is, is somewhat unique in that we have a relatively small number of properties that're currently zoned but it doesn't preclude other properties from being zoned BC so we did run that legal notice in the newspaper as was required but we did not send out abutter's notices to all properties around any of these current BC districts.

Councilor Hall: 'Cause I'm just, you know, I think that one thing that we keep hearing over and over again is something happens and then residents come back to us and say, "We had no idea, we had no idea." And, and if this does have the potential to really create change in the Center, I'm wondering whether we should go above and beyond what is required and, and do some other notification.

Mr. Dumais: I would add that if someone were to take advantage of this...keep in mind that this is just a change to the Ordinance. It requires someone to come back to you. If someone makes that next step and comes back to you with an application, then they are gonna get notice and

they're gonna be notified and there'll be multiple notices and multiple hearings or meetings with various town agencies that that person could come to. So I think that since it's a multi-step process, you know, the general notice, this hearing for the amendment and then a specific application with someone could react more, more specifically towards is an appropriate way for notice, but that's up to the Council to determine.

Councilor Hall: Okay. Have you had an indication of interest from any current property owners that this would affect that they are thinking of doing something?

Mr. Dumais: We have had interest from some property owners that they're interested in a concept like this, and there's likely going to be an applicant that would take advantage of some aspects of this. They think that this is a positive step. You know, I think that if we were to poll all the current property owners in the Center, at least the business interests, they would've wished we'd gone a lot higher and done a lot more to be more permissive.

Councilor Hall: And do we run the risk of and I'm...I don't know off the top of my head who the different property owners are but what happens if we have one building here that takes advantage of it and goes up and this prop—building that's adjacent doesn't take advantage then the one two down does. I mean, do we end up with a...a not so pleasing...

Mr. Dumais: I think you, that could happen but that's what we have in the Center today. We have an organic growth that's gone through what zoning permits so you have varying heights that appear throughout the Center. We have four stories down to one. I think that's part of having the character of the Center and it's not all monotonous and the same.

Councilor Hall: Okay. Thank you.

President Slifka: Thank you. Mr. Wenograd?

Councilor Wenograd: Thank you. And thank you for the presentation. I know Staff put a lot of work into this so I really do appreciate it. I just wanna, obviously on the map we've got, we've been focusing on the Center and I know the impetus for this is really the Center but if you could address the other parcels just to, and, you know, the same analysis as to whether you think any of the other...

Mr. Dumais: Sure.

Councilor Wenograd: ...areas within this zoning would be attractive for this sort of change.

Mr. Dumais: Sure. Lemme start with the two parcels like on Farmington Avenue East. I don't think this, that would be attractive. One is the armory and the other one's a small residential building that's been converted to kind of a professional office. Both of those are currently SDDs so they're bound by their approvals. Any changes to those hafta come back to the Council and I don't foresee either of those being able to take advantage of this. Within Elmwood Center, the parcel sizes with the exception of the Elmwood Shopping Plaza and a couple of others are smaller. That makes an application under this standard a bit more difficult. Also, FAR isn't as

much of a problem down in Elmwood Center. The FAR numbers are, are quite a bit lower. It's been less intensively developed historically and you can see that when you drive through. We have, you know, strip commercial shopping plaza and on either end of that Center, it transitions to more auto-oriented uses as you go down towards New Park and then it goes back to residential before you get back to the mall going the other way on New Britain Avenue. So certainly someone may be able to, to use this amendment to their advantage. I just, if no one was developed in that area under the existing standards, I don't see it particularly likely that it will happen. It could. I think this benefits the traditional Center more than our other Center in Elmwood.

Councilor Wenograd: Okay. Thank you very much.

President Slifka: Thank you. Mrs. Casperson.

Councilor Casperson: Thank you, Mr. Mayor. Again, thank you for the presentation. I'm sort of piggybacking a little bit on Mr. Barnes' concerns. When we're talking about changing the Center and when you mention specifically, you know, the building close to our little town green and what zoning authority we might have over that, I have a little bit of a concern when you think of sort of changing those small open spaces that we do have to maybe not even the one story is challenging, but when I think about four stories or five stories, so those are things that would not then come before us until they got to four stories. Is that correct?

Mr. Dumais: Anyone looking to take advantage and change their development under this standard would automatically come back to you. If someone was looking to develop a site, you know, as we call as of right today, they'd hafta show that they can meet all of the requirements per the letter of the law today. So, you know, we haven't seen a lotta change in the Center over the decades. I mean, you know, median age, 1939. We've seen recently some changes but those are on periphery with the exception of Abe Kaoud's building. That was an instance where he controlled a large parcel with available parking supply and the parcel next door. Other than those, there hasn't been a lot of development in the Center in the past few decades.

President Slifka: Okay. Anyone else? One more general question, Mr. Dumais. I think we've, I ask this because I know, gosh, Ron, you might've put this together but I go back in ancient history but it feels like 14, 15 years ago, the Town did a charrette, it was called—known as a charrette, where you added visual elements like Todd did with a few of the properties here to show what this would look like and it was not talking about an Ordinance or anything but talking about the concept of going up essentially, say, one story or two stories in the Center and I remember very vividly seeing the depiction of what to, citing Mr. Barnes' question, what did, would the Center look like if you, if you did that. And I, and it's a matter of opinion but having seen it, my, the reaction of the, of the people that saw it and I know this was taken on a tour to different community groups in town was it was a surprisingly modest change in part because, and it shouldn't go unnoticed but when Mr. Dumais mentioned about the trees and their impact was that because of the existing trees within the Center, they sort of masked the upper story and even if you went up one more, it kinda blended in for lack of a better term, with the tree. Now, that may be my take and somebody else might feel very differently, which I appreciate, but I thought it may be a way to try to give people more facts since we don't have the art necessarily

to show them is can you say the, give us like the current, like what's the current height, tallest building in the Center as an example and then what's the worst case scenario? If this thing were, like Mr. Barnes and Mrs. Casperson were asking about, if everybody decided to take advantage of this, what would be the maximum height you would see so that maybe we can have in the record something that documents the modesty, if, those are my words. I know, I know there's...

Mr. Dumais: Sure. I think, I think without knowing which one and in terms of feet are—is taller. Town Center and the Webster Bank are both four stories, so those are the tallest current buildings in the Center. Worst case example, if everyone...

President Slifka: Worst case may be not the best way to put it.

Mr. Dumais: If everyone...

President Slifka: To somebody who hates the idea...

Mr. Dumais: Yeah.

President Slifka: ...right? It's...

Mr. Dumais: If everyone came in and thought this Ordinance was a great idea and we started seeing SDD applications for months and people building, I think we would end up with something potentially akin to a bunch of Webster Banks or Town Centers with an additional, you know, story on top if they could meet all of the parking requirements. So you would see that kind of a size and mass throughout the Center if, if you could make every parcel work. But it wasn't even made to work in Blue Back Square. There are a limited number of six story buildings there. Through the SDD controls, the heights were, reading back in the history, the heights were depressed to give a variation of building height, allow for light in the area and light to come through. So this process would be even more varied in that each applicant coming in would be a, a parcel or two so the chances of someone being able to, you know, assemble multiple parcels to do a large-scale development like that are probably a lot less.

President Slifka: And just to maybe state the obvious for us but might not for somebody watching this that if an applicant, if somebody, we, we may pass an Ordinance tonight that allows for somebody to seek this, but if somebody did come in and they bought all of LaSalle Road and they said, "You know what? I wanna make it all four stories." That would then come before the Council as a Special Development District, and the Council would have all sorts of authority to deny that if we, if we wished. It is not as of right as you were explaining to, I think, Mrs. Casperson, in that, you know, the Council would be able to—at that point, you wouldn't be bound by technical requirements alone. You, you could say simply I don't fee—I don't think this meets the character of the town to allow something like that to proceed.

Mr. Dumais: That's correct. There's a lot more discretionary authority in the Council when it comes to a zone change, which is what a Special Development District essentially is. So you have that ability.

President Slifka: Okay. Thank you. Mrs. Hall?

Councilor Hall: So—I realize that this would allow the future Council to determine adequate parking, but I feel like we're already dealing with inadequate parking in the Center. At least, you

know, we've heard that from a lot of the businesses, so I'm wondering if you can tell me what the reaction in regard to parking was with, and maybe Mr. McGovern could answer it better, but so what, what have the, the businesses in the center talked about in regard to our current parking situation and what impact this would have on future parking.

Mr. Dumais: I'll let Mark speak to half of that question, and I, I'll take the other half. Again, our hope is that through this process, any impact to existing parking would not be made any worse but be improved as a result of this process. Where those merchants are with their opinions of the parking supply today, I'll let Mark address.

Mr. McGovern: Good evening. Mark McGovern, Community Services Director. Actually, we haven't gotten a lot of feedback from businesses about the impact this would have on parking. For the most part, the businesses looked at this as an opportunity for more residents and more customers, so that's really been their focus. We think this, as Todd has gone through in detail, we think this is a way to incentivize private parking to facilitate new development. And I think the business community understands that, but their focus really has been this being an opportunity to get more feet on the street.

President Slifka: So you didn't promise them you'd get rid of the kiosks if this passed. Too soon?

Mr. McGovern: I'll defer that comment to John Phillips.

[Laughing]

President Slifka: Too soon. Yes, maybe it's time. Oh, I'm sorry. That, yes, I'm sorry—I may have spoken earlier in saying we could vote tonight. I'm being reminded that we cannot because TPZ has not done that—which I knew. I'm sorry for the lack—but that is correct.

Mr. Dumais: That is correct, yeah. I was going to remind everyone that we will need to continue the hearing until we get the receipt of their comments.

President Slifka: Yes. Thank you very much. Okay. Anyone else before we get to the speakers? All set for now, Mr. Dumais? Okay. We get to the sign-up sheet, and we thank everybody for their patience. The first speaker is R. J. Luke Williams. And if I could have everybody who speaks please state your name and address for the record.

Mr. Williams: On the tax rolls, I'm Robert J. Williams, 99 Haynes Road. I go R.J. locally and it's 'cause of my history background and my writing career. I'm here mas—basically because of Goodman Green, and my concern is about that little stretch of West Hartford history there. Timothy Goodman donated the green to First Church in the mid-1700s and the Town still pays a kind of rental fee to the church for Goodman Green, the very center of our town. I'm always concerned about that because we've chipped away at it over the years, you know, for traffic reasons. But the trees are still there. First Church is still there, and that beautiful assemblage of buildings going down to the, the library built in the 1930s, brick, American Colonial style is really a very beautiful thing that we've preserved over the years. I don't know how we got Crap and Barrel, but you know, it's there. It just doesn't match. North of the Green, two new buildings that've gone up, the corner of Grace Road and North Main and then the little apartment house on the nex—I was kind of worried about their designs according to the placards that they

had put out, you know, when they were constructing it, but they really blend in really well. The one on the corner there of Grace, blends in with professional building across the street. Brick and some granite or false granite. So it really looks good. About the Green, though, you know, as you go down on the right-hand, looking down the right-hand side, you've got that old apartment building on the corner and the shops, the new condominium, which blends in quite well. It's a very attractive little building. I was concerned about that when they tore down the Masonic Temple, which was a rather historic building. And then going farther down, you've got the Town Center complex, which is huge, but it's the brick and it kind of, you know, mix in, so I, I'm concerned about, you know, the building heights, and that's been addressed, but—I'm happy to see that Council is really concerned about the historical nature of our Town Center. That really makes me feel good that people are conscious of that and concerned about that. I'm concerned about any mitigating things that would result in that setback. I know—I—minored in architecture, so setbacks are something that we, we studied. I like that idea. I just—you know, the developers are out there. They're like sharks. And West Hartford is really a nice piece of fish to go after. And I'm not sure, you know, one way or another, whether through zoning changes or demolishing buildings, which we've seen recently in Hartford—that beautiful old house on Albany Avenue—one way or another, they'll get their foot in the door, and we have [laughs], we have a, we've kind of maxed out our open space and building spaces, so they're gonna go after tearing things down and then replacing it with something that they're gonna make profit on, because the secret word of society today is greed. I mean, it's there. So it's kinda scary that, you know, I, I really trust our zoning department, they're very conscious of history and blending—having buildings blend in and they've got good plans, but people move on, and I'm just thinking that in the future, when these fine people are not here concerned about the town, what's going to happen, happen. I certainly won't be here that long, but I've been here a long time [chuckles]. I thank you for letting me talk, and thank you for doing what you do for us. I would never be on Town Council. [Laughing] It's just too much work [laughs].

President Slifka: Thank you, Mr. Williams. Next is Paul and Tessa O'Sullivan. You can come up together, come up separately—totally up to you.

Mrs. O'Sullivan: Hi, I'm Tessa O'Sullivan. I live at 162 LaSalle Road. Yes, there's one residential block. We're here tonight because we kinda stumbled on the ordinance information in the paper. We read. And it kind of shocked me to think that we were going up to six floors. That—we started walking around, looking around the town because we have to walk the dog anyways, and we started looking up and, and freaking out. But we didn't set up any alarms, but the weird thing, and, Ms. Hall, you said this, that I've seen nothing in our normal outlets of information about this ordinance and this change, and normally people who live in the Center are very talkative. And they share information, and I was surprised nobody set up any of the alarms that normally they start beating the drums, "Oh my God, there's changes coming!" And, and that didn't happen. And in fact, coming here tonight and hearing the budget, I thought maybe we came on the wrong night because there's nobody here. So I'm glad we did come, because the Town Planner explained it much more in a way that I understand. I am now going to learn more about floor area ratio and what FAR stands for. But I think there are some concerns that I'm glad it sounds like that the Committee is—I mean that they have to come up to the Board and present this. It's not going to be just once this happens it becomes everyone starts building. I'm concerned that there's been recent changes and sales in the buildings in the town or in the Center,

and that certain businesses are moving to get to a more safer place or cheaper or something more cost effective. And I love the flavor of the Center. I live in the Center. I don't live in an urban area. I live in a suburban town that gives me a taste of urbanization. When Blue Back Square came in, the town reached out to the neighborhood and invited us in on conversations ahead of time before it even came up to Town Council. We appreciated that. We supported Blue Back Square, although I do believe we talked out about the, you know, extra stories. I was glad they were a little shorter than they started out with, but they're down a hill. I get that. I'm not a town planner. But I know what I like walking around. And I'm very happy with the Center. I like four stories. I think four stories is good. I think mixed use is awesome, because that's why I live where I do, so I can walk to the library, so I can walk and get bagels, and I have my choice of Starbucks and Dunkin' Donuts. These are good things to me. I do worry about parking. Not for myself, 'cause I don't have to park in the Center. But I do have to try to get out of my driveway when people park on LaSalle Road. There may be plenty of parking in West Hartford Center, but it's not where people want to park. And that's going to be an ongoing challenge. And I know this because suddenly I get a parking police officer came down our road and started ticketing people because you were being a little more strict on the two-hour parking rules. Very nice bicycle cop. So, I understand that these are all concerns, and I'd be interested to see what changes are coming up, and I'm glad to hear it's not just carte blanche. But there's a concern that the other residents in the Center don't know this is happening, and maybe it was my mistake not to send up a, a notice because I read this, but we didn't really understand what was going on. I didn't—my husband might've. He's smarter than me. Sometimes. So, we're very excited about Kaoud. We're very excited about the changes there. We think it looks beautiful. It looks exciting. And if that's the kind of changes you're going to bring to the Center, that'd be great. But if it's going to end up being more like the Webster Building that's, you know, shiny but not really as attractive and not really Center-y, that feels a little more urbanized, and it depends on how urbany West Hartford Center wants to go. I'm hoping it doesn't go too far. I'm hoping to live here another twenty years. And thank you.

President Slifka: Thank you.

Mr. O'Sullivan: I just wanted to emphasize, we're by no means against additional residential in the Center. We're fortunate to be owners of a scarce commodity, which is residential property in the Center. But I understand that that increasing residential within there is going to make the Center more vibrant, which will make my property more valuable, so, this is not—we don't want more residential in the Center. I just, I have a hard time getting to five floors. That is—just seems very large to me, or six. If, you know, if we could do five floors with one setback, I don't see where we couldn't do four floors and then have the fourth floor set back. But I guess that's something that, that we'll talk more about when people have presentations and try to take advantage of this. I really appreciate all your questions. As the first fre—as the previous speaker said, you don't get enough credit for the jobs that you do, and I appreciate that you're looking out for us, so, thanks very much.

President Slifka: Thank you very much. That concluded the sign-up sheet. Are there other speakers who wish to comment in this public hearing? If not, please just come right up and state your name and address for the record.

Mr. Rodriguez: Please excuse me. This is my first time coming up here. I've always wanted to come up here. Thank you—thank you, Mayor Slifka. Thank you, Town Council, for allowing me to come up here and voice my concern tonight. My name is Alexander Rodriguez. I am from 195 Abbotsford in West Hartford. It's just off of New Britain Avenue, closer, closer to the south end of Hartford. I was just coming by today to voice my opposition to the MDC Niagara Water Bottling—

President Slifka: Okay, Mr. Rodriguez, we're gonna—I—I think what we'll do, if, assuming Corp Counsel allows it, 'cause we're in a public hearing on a zoning ordinance, I just, I wanna give you the chance to speak, 'cause I think we got a misunderstanding about the rules. I'd have to suspend the rules to allow that—my colleagues, I, we'd have to suspend the rules to allow that. Mr. O'Brien, is that appropriate? I—'cause otherwise I'd have to make Mr. Rodriguez come back later and say it in the regular meeting, but I want to make sure we're abiding by the law here, so.

Mr. O'Brien: You could do that, but it wouldn't be part of the record for this Public Hearing, that's all.

President Slifka: I think we'd be fine with that.

Mr. O'Brien: Yep.

President Slifka: Okay. All right. I have to allow my colleagues to vote first, so, can we entertain a motion to suspend the rules to allow Mr. Rodriguez to speak?

Councilor Cantor: So moved.

Councilor Davidoff: Second.

President Slifka: Okay. All those in favor?

Councilors: Aye.

President Slifka: Those opposed? Motion carries. Okay, just note, record, we're on a completely different topic than what we're covering right now. But you can go ahead then.

Mr. Rodriguez: Thank you, Mr. Slifka. Thank you for allowing me to divert the conversation. I just wanted to voice my opposition to the MDC Niagara Water Bottling business transaction that is being proposed. I heard about it just recently. My friend Kiernan from the West Hartford Youth Town Democratic Committee, I'm sure many of you may know him, he recently hit me with some of this information. Niagara will produce 2.6 million water bottles per day with a proposed capacity of four lines would be over ten million plastic bottles a day. Niagara would be then able to dump two—20 percent of the water used daily right back into the MDC as waste water. A question that comes to mind that I hope some of you could answer is, "Will West Hartford and surrounding areas experience water shortages?" And some other information I have is Niagara can ship and bottle out of state. MDC customers have limited access to water

and Niagara would have more. Niagara would have more access to public water than local residents, and I just—there's a lot of ethical questions for me. The reservoir is somewhere where I've hiked for many years. I'm not sure I'm comfortable—I know a majority of the town is uncomfortable, like, exporting between like 300,000 and 500,000 gallons of water daily, like, nobody really wants that to happen. Nobody really wants, basically, like, water fracking, like contaminating our water, like all for the means of, like, private enterprise, like more private enterprise here in this town and surrounding areas, so, if anyone could answer my question, respectfully. Thank you.

President Slifka: Mr. Rodriguez, we'd have to do that at another time. This is a Public Hearing where we take testimony and we're trying—working on an ordinance that is completely unrelated to the topic, but we'd be happy to talk to you off-line at some point.

Mr. Rodriguez: Oh, absolutely. I was just hoping to make the Public Hearing portion today. Thank you for allowing me to speak tonight, Mr. Slifka.

President Slifka: Sure.

Mr. Rodriguez: Thank you all.

President Slifka: Thank you. Okay, so returning to the, the ordinance. I'm sorry? Returning to the ordinance, were there other speakers on the ordinance who did not sign up? Okay. If not, then, I know Mr. Dumais walked out with the O'Sullivans, he's probably doing a very nice job explaining things. I had a couple questions to ask him as a follow-up, so we could just put it on the record. Mr. Alair, Mr. McGovern, maybe you could step in, 'cause I don't know that they're questions Mr. Dumais specifically has to answer, but, and unfortunately I'm responding to some things the O'Sullivans raised, so they're not gonna hear any of this, but maybe we'll get it to them.

Mr. Alair: They're probably hearing it right now.

President Slifka: Okay. The, the, I'll yell. The first is that it was mentioned the concern about six floors. My understanding is that is not an option here.

Mr. Alair: Right. Correct.

President Slifka: And it's not something that could—would come in through a waiver, either, correct?

Mr. Alair: No. We're—it's, it's six stories in the CBDH Zone where Blue Back Square is located. It's five stories, maximum of five stories, in the BC Zone.

President Slifka: Second is not so much a question, it was more of a defense of Mr. Dumais, that he mentioned the certain glass building that was very tall. We won't keep picking on the occupant, 'cause I'm informed by someone who knows that they don't own it, but that I believe that was not being used as an example of what the town would like to see, in terms of future development, he was just using it as an example of height of...

Mr. Alair: Yes. A number of the slides that you saw and a number of examples that we've talked about are simply examples of the FAR calculation, and one thing that I think it's really important to underscore. I know you got it, but for members of the public—it—FAR does not

exist in a vacuum in this, in this ordinance. FAR also—any building that you build also has to be parked. You have to meet the standards for parking. Now, yes, you, the standards are somewhat flexible as you talked about, Mr. Mayor. This concept of adequate parking. But you still have to park it. So you can't build two more stories of building or one more story of building without showing that you're providing additional parking for that building on your site, and if you've used your entire site for building, there's no place to add that. So that notion that you could see an entire Town Center—or West Hartford Center of buildings that look like Town Center or the building that dare not speak its name, that can't happen as a practical matter. As a technical legal matter, could somebody say, "Well it's permitted under the ordinance." Yes, it is. But it really can't happen as a practical matter.

President Slifka: Thank you. And the last one I had was, this is, I guess, more, it's gonna be, trying to get your opinion, but it occurred to me when the O'Sullivan's were, were describing their, you know, their particular situation, they're in a, they're in a residence that is just outside the Center, that I don't know if we have thought about this as a, a positive outcome—potential positive outcome of this, of this ordinance and what it would provide, so, so let me know. It occurs to me that we've had concern over many years of sort of having an informal barrier around the, the business portion of the Center, although we're trying to have more residents within it, but to protect it, protect the surrounding neighborhood. And so that homes like theirs would be able to remain as they are and we wouldn't be faced with like kind of eternal zone creep in that well the inevitable is just because you can't build up, you have to build out. And some—enterprising developer will come in and buy that block of LaSalle Road, the last remaining residential block of LaSalle Road, and say, we would like to make this all commercial. Could you give me your opinion I guess as to whether or not the passage of this ordinance would actually serve more to protect those residences than to encourage development?

Mr. Alair: Mr. Dumais has come back.

President Slifka: He's back in time.

Mr. Alair: And I—did you hear the question?

Mr. Dumais: I heard a little bit of it at the end.

Mr. Alair: I think that Todd can chime in. I think part of the idea is to increase density calculations in the Center so that people can build up instead of building out. So I, I think that's the point you were getting at, is that notion of adding density where we already have density rather than increasing density elsewhere to see creep. This Council, as long as I've been here, has been very reluctant to allow any expansion of the Center, the Commercial Center, outward into those residential neighbors—neighborhoods, and—I don't think I see that changing.

Mr. Dumais: I would agree with what Pat Said.

President Slifka: Always—I've always found that to be a good answer. All right. Thank you. Anybody else have further questions? No? Okay. Well, then, Mr. Dumais, if you don't have anything further in the presentation itself, we just have an administrative item, which is to read in for the record a letter dated February 24, 2016, from CRCOG finding no apparent conflict. As you'd indicated earlier, we are not voting this evening because we're still awaiting TPZ receipt,

and so I assume that means I have to keep the Public Hearing open so that we can receive that next time. Do we have a—okay.

Mr. Alair: Actually, if I could just mention one thing ‘cause it was gnawing at me, and I think maybe Todd was speaking with the O’Sullivans about this. The, the concern, and I think it was Councilor Hall raised this about communicating with the public about the change in the ordinance. Conceptually, and this is again for the public as much as it is for you, we’re dealing with an ordinance that affects the BC Zone, a relatively small zone, but the way we amend the regs for that zone are exactly the same way we amend the regs for any other zone, including our residential—single family residential zones. So if you think about giving notice to the public about a change to the BC Zone, you can look at it and go, “Well, we could do 300 feet around.” But if you think about it in terms of the process we use for changing the zone, say, to allow people to build their houses five feet taller anywhere in the residential zones, trying to give 300 feet notice around those is effectively impossible, and that’s why the state statutes regarding notice of applications is different statute for giving notice regarding applications is different from the statute for giving notice regarding district changes because of that practicality and treating all district changes the same. So I just wanted to point that out so people think about it in the, in a sort of a logical frame. Sorry for making this longer.

President Slifka: No, thank you. We’d expect nothing else. All right. Okay. Anyone else? Oh, yes, if, and to that extent, we actually have a, a benefit of the CRO—the TPZ not acting on this yet and having to keep the Public Hearing open, we actually have backed into a way that if there are other neighbors or anyone else in the community who wants to come speak to this, the hearing will be held open to April 12, and they’ll be able to do that at that time. So, let’s hope that provides a bit more notice to those who are concerned, and with that, we will continue the Public Hearing until April 12 at 7:25 p.m.

Essie S. Labrot
Town/Council Clerk

/dd/jw